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Sandra Hintz

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EXAMINER

WINKLER, MELISSA A

ART UNIT

PAPER NUMBER

1796

NOTIFICATION DATE

DELIVERY MODE

05/14/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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*Response to Arguments*

Applicant's arguments filed May 4, 2009 have been fully considered but they are not persuasive because:

A) Applicant has argued that it would not have been obvious to a person of ordinary skill in the art to adjust the water content in the foam taught by Qin et al. to not more than 15 weight percent. Applicant argues that Qin et al. teach the absorbent foam must contain at least 21 weight percent water to achieve the desired properties, citing Column 10, Lines 40 – 43 and Column 10, Line 66 – Column 11, Line 3.

The Office respectfully disagrees that Qin et al. teach away from adjusting the water content in the foam taught by Qin et al. to amounts not more than 15 weight percent. The sections in Qin et al. cited above are related to the amount of water in the solution used to prepare the foam. On the other hand, the instant claims set forth the water content in the final foam product is adjusted to not more than 15 weight percent. The claims accordingly encompass foams prepared from solutions with greater concentrations of water than that claimed which undergo subsequent treatment to achieve a water content that falls within the claimed range. Qin et al., for example, teach post treatment of the foam structure with heat (Column 14, Lines 32 - 44). It is submitted that such treatments would result in the reduction of the water content in the foam. Qin et al. also set forth in Claim 1 that the absorbent foam may comprise the

polymer in amount of 50 to 100 weight percent, based upon the total weight of the foam. The foam taught by Qin et al. could thus presumably have a water content of zero weight percent. It is thus the Office's position that it can be reasonably expected that the water content in the foam taught by Qin et al. can be adjusted to levels below 15 weight percent, as instantly claimed, without sacrificing the desired properties of the foam.

B) The proposed amendment to Claim 1 raises issues that would require further search and consideration, as the claim did not previously limit the manner in which the composition is foamed.

### *Correspondence*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELISSA WINKLER whose telephone number is (571)270-3305. The examiner can normally be reached on Monday - Friday 7:30AM - 5PM E.S.T..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on (571)272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo/  
Supervisory Patent Examiner, Art Unit 1796

MW  
May 4, 2009